IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4041 & No.4051 of 2005

with

SPECIAL CIVIL APPLICATION No.7318 & 7319 of 2005

with

SPECIAL CIVIL APPLICATION No.7665 & 7645 of 2005

with

SPECIAL CIVIL APPLICATION No.7647 to 7651 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KADWAJI JUGAJI KHANT - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR JV JAPEE for Petitioner(s) : 1,
MR MENGDEY for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 06/07/2006

COMMON ORAL JUDGMENT

1. Upon hearing Mr.Japee, learned Counsel for the petitioner and Mr.Mengdey, learned AGP, it appears that this Court has passed an interim order directing the District Collector to provide alternative land to the petitioners, who are agriculturists whose lands were acquired for Gandhinagar Capital Project and the lands were to be given as per the policy of the Government for resettlement of these farmers.
2. Mr.Mengdey, learned AGP, under the instructions of the concerned officer, states that the order is passed for allotment but the actual possession of the land is yet to be given. He further submits that the proposal is forwarded by the District Collector to the State Government for certain cases of the concerned petitioners and the matters are pending before the State Government for finalization.
3. In my view, if when the interim orders passed by

this Court are accepted by the State Government and even otherwise as per the policy of the State Government, in view of the reasons recorded by this Court in Special Civil Application No.8637 of 2006 and the order dated 6.7.2006, the agriculturists whose lands were acquired for Gandhinagar Capital Project would be entitled for the alternative lands for resettlement as per the policy of the Government and in the present case the interim directions were also given by this Court and the directions are complied with in part and they are to be complied with in certain cases, the appropriate final directions deserve to be issued.

4. Therefore, considering the aforesaid facts and circumstances, I find that the following directions shall meet with the ends of justice:

(a) The District Collector shall ensure within a period of two months from the date of receipt of the order of this Court that the possessions are given to the agriculturists of the lands for which the orders are already passed by him.

(b) The State Government shall take appropriate decision in light of the policy of the Government and the directions of this Court given in the earlier group of petitions of identifying the lands to be allotted as an alternative lands to the concerned petitioners. Such decision shall be taken by the State Government within a period of two months from the date of receipt of the order of this Court.

(c) After the proposal is accepted/approved by the State Government, the District Collector shall pass consequential order for allotment of the land to the concerned petitioners on payment of requisite occupancy charges within a period of one month thereafter and he shall ensure that the actual physical possessions of the lands in question are given to the concerned agriculturists through the officer not below the rank of Mamlatdar within a period of two months thereafter.

5. The petitions are disposed of in terms of the

aforesaid directions. Rule partly made absolute accordingly. Considering the facts and circumstances, there shall be no order as to costs. In the event any of the directions is not complied with, the petitioners will be at liberty to move this Court by filing suitable application, for appropriate.

6.7.2006 **(Jayant Patel, J.)**

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